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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,821

04/11/2006

Wayne Peter Killip

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EXAMINER

MCDUFFIE, MICHAEL D

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,821

Applicant(s)

KILLIP, WAYNE PETER

Examiner

Michael McDuffie

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/15/2005 and 02/15/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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The following correspondence is a non-final Office Action for application # 10556821, entitled: SHAFT CLAMP ASSEMBLY, filed on 04/11/2006. Claims 1-20 are pending.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "31" and "41" have both been used to designate umbrella (see pgs. 6 and 8). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31" has been used to designate both shaft and umbrella (see pg. 6). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as

either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The Applicant appears to be invoking a combination of a furniture item and a clamp assembly in claim 11. The claim will be examined as a combination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-9, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Connelly (U.S. Patent No.: 4901971).

Regarding claim 1, Connelly discloses a shaft clamp assembly comprising a bracket **13** having a tubular member **20** adapted to receive a shaft **34**, means for mounting the tubular member to a structure **27**, and clamping means **16**, the clamping means **16** being operable to secure the shaft **34** to the tubular member **20**, and where

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the internal wall of the tubular member **20** is provided with at least two shaft **34** contact surfaces (as shown in Fig. 2), their arrangement being such that a polygon of forces is generated between the clamping means **16** and the shaft contact surfaces to secure the shaft **34** to the tubular member **20** when the clamping means **16** is operated.

With regards to claim 2, Connelly teaches the shaft clamp assembly, where the polygon of forces is a triangle of forces (the triangle forces being the force from the clamping means **16**, and the two contact points of the shaft **34** with the tubular member **20**, as shown in Fig. 2).

Regarding claims 3 and 12, Connelly further teaches the shaft clamp assembly, where the tubular member **20** comprises a tube having a substantially triangular cross section (as shown in Fig. 2).

With regards to claim 4, Connelly goes on to teach the shaft clamp assembly, where the radius of each apex of the substantially triangular cross section is less than the radius of a shaft **34** which is to be supported by the shaft clamp assembly.

Regarding claims 5, and 13-15, Connelly discloses the shaft clamp assembly, where the clamping means **16** includes at least one mechanism which is adapted to exert pressure on the shaft **34** to push the shaft **34** into contact with at least two contact surfaces on the internal wall of the tubular member **20** (see discussion in col. 3, lines 10-13).

With regards to claims 6, and 16-19, Connelly teaches the shaft clamp assembly, where the tubular member **20** is provided with reinforcing members **12**.

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Regarding claim 8, Connelly further discloses the shaft clamp assembly, where the reinforcing members **12** form part of the means for mounting the tubular member to a structure **27**.

With regards to claims 9 and 20, Connelly goes on to teach the shaft clamp assembly, where the clamping means **16** includes at least one threaded shaft or rod **18**, which is adapted to engage with a mating thread **19** associated with the tubular member **20**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly in view of Owens (U.S. Patent No.: 3162410). Connelly is discussed above, and fails to teach a shaft clamp assembly, where the shaft contact surfaces are provided with reinforcing members. Owens teaches contact surfaces that are provided with

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reinforcing members 17. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate Owens' reinforcing members with Connelly's contact surfaces, in order to "hold the rod [or shaft] securely in position," as taught to be desirable by Owens (see col. 2, lines 15-18).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly in view of Dieckhoff (U.S. Patent No.: 2630286). Connelly is discussed above, and fails to teach the shaft clamp assembly, where the thread associated with the tubular member further passes through one of the reinforcing members. Dieckhoff discloses a clamping assembly, where the thread 36 of the tubular member 16 passes through the reinforcing member 32. It would have been obvious to provide a hole passing through a reinforcing member of Connelly's tree stand, in order to provide an upright-supporting structure capable of retaining tree trunks of varying diameters, and of adjustably clamping such different trunks by a single device substantially to center them with relation to the device, as taught to be desirable by Dieckhoff (see col. 1, lines 22-27).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly in view of Taylor (U.S. Patent No.: 4061306). Connelly is discussed above, and fails to teach where his Christmas tree stand is incorporated on an item of furniture. However, it is well known that Christmas tree stands are placed on a floor or table. It would have been obvious to one having ordinary skill in the art at the time of the invention, to place Connelly's Christmas tree stand on a table, in order to provide a decorative display, as taught to be desirable by Taylor (see col. 1, lines 5-11).


Conclusion

In addition to the references mentioned above, the Examiner submits PTO-892, as it discloses brackets capable of retaining posts or columns.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael McDuffie whose telephone number is 571-272-3832. The examiner can normally be reached on Mon.-Fri., 7AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michael McDuffie
17-Aug-07


RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER